

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on May 23, 2005. Claims 91-105 are pending in the Application, Claims 60, 70 and 86 stand rejected, and Claims 51-59, 61-69, 71-85 and 87-90 have been allowed. Claims 60, 70 and 86 would be allowed if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. The indication of allowable subject matter is noted with appreciation. Claims 51-90 are cancelled without prejudice or disclaimer and new Claims 91-105 are added by the present Amendment. Applicants bring to the attention of the Office that an IDS was filed in this application on July 12, 2005.

First, Applicants note that the cancellation of Claims 51-90 by the present Amendment moots the outstanding rejection of Claims 60, 70, and 86. Withdrawal of that rejection is respectfully requested.

Finally, Applicants have submitted new Claims 91-105, which find non-limiting support on the subject matter originally disclosed in Applicants' specification and in the originally filed figures, in particular FIGS. 3-7. Therefore, new Claims 91-105 are not believed to raise a question of new matter.¹

Applicants respectfully submit that the invention recited in the canceled independent claims and the one presently recited in the newly submitted claims are both directed to the embodiment illustrated, as a non-limiting example, in FIGS. 3-7. New independent Claim 91 recites a toner container that includes a mouth portion, a support member secured proximate to a central opening of the mouth portion, a piston member movably disposed along a length of spaced-apart members in the support member and arranged to seal and unseal the central

¹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Application Number: 10/757,439
Reply to Office Action of May 23, 2005

opening, and a coil spring extending substantially in the axial direction, the coil spring exerting a force resisted by the support member and another force exerted against the piston member. New dependent Claims 92-105 depend from Claim 91. Applicants believe that Claims 91-105 patently distinguish over all references of record.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 91-105 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648
Attorney of Record
Mardson Q. McQuay
Registration No. 52,020

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

JJK/MQM/kkn
I:\ATTY\MQM\24'S\247321US\AMD 8-23-05.DOC